

Application No. 10/730,347

Docket No: 1199-21

Amendment and Response to Restriction Requirement dated May 10, 2007

Restriction Requirement mailed April 10, 2007

Page 7

### **REMARKS**

Claims 1-33 are currently pending in this application. Claims 1-5, 7-11 and 16 have been amended. Claims 21-29 have been withdrawn as the result of a restriction requirement. Applicants retain the right to present claims 21-29 in a divisional application. No new matter has been added.

In the Office Action, the Examiner has required restriction under 35 U.S.C. §121 between one of the following Groups, which the Examiner has identified as distinct inventions:

Group I: Claims 1-20 and 30-33, drawn to a decongestant delivery vehicle, classified in class 514, subclass 183.

Group II: Claims 21-28, drawn to a method of preparing a decongestant delivery vehicle, classified in class 514, subclass 762.

Group III: Claim 29, drawn to a method of providing decongestant relief, classified in class 514, subclass 763.

Applicants elect to prosecute Group I, claims 1-20 and 30-33, drawn to a decongestant delivery vehicle, classified in class 514, subclass 183.

In addition, the Examiner states that the application contains claims directed to the following patentably distinct species:

- 1) a film-forming matrix;
- 2) a decongestant agent; and
- 3) an oil.

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Page 8

Applicants are required to elect a single disclosed species for examination to which the claims would be restricted if no generic claim is finally held to be allowable. The Examiner indicates that claims 1-20 and 30-33 are generic for Group I.

With respect to the species election, Applicants elect the following:

- 1) polydextrose as the film-forming matrix;
- 2) menthol crystals as the decongestant agent; and
- 3) eucalyptus oil as the oil.

The claims readable on the elected species are as follows: 1-11, 13-20 and 30-33.

Applicants have responded in full to the present Office Action. It is respectfully requested that consideration of the Group I claims on the merits be commenced. Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,



Jamie M. Larmann  
Registration No. 48,623  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(973) 331-1700